

Notice of Allowability

Application No.

09/786,253

Examiner

Ginny Portner

Applicant(s)

ROWE ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/1/05.
2. ☒ The allowed claim(s) is/are 3,5,8,9,15,18,21,16-17,19-20, 52; now claims 1-12.
3. ☒ The drawings filed on 02 March 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/19/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael S. Greenfield, Registration Number 37,142 on July 19, 2005.

The application has been amended as follows:

Please substitute the amended claim 3 below, for pending claim 3, submitted After Final, dated July 1, 2005 to correct the sequential lettering of microorganisms.

(Currently amended) A vaccine comprising at least one isolated microorganism or living or dead cells thereof wherein the microorganism is selected from the group consisting of: (a) *Streptococcus bovis* strain SbR1 Accession number: NM99/04455, (b) *Streptococcus equinus* strain SER1 Accession number: NM99/04456, (c) *Streptococcus equinus* strain SER2 Accession number: NM99/04457, (d) *Selenomonas ruminantium* strain SRR1 Accession number: NM99/04458, (e) *Selenomonas ruminantium* strain SRR3 Accession number: NM99/04460, (f) *Clostridium vitulinus* strain LVR3 Accession number: NM99/04461, (g) *Clostridium vitulinus* strain LVR4 Accession number: NM99/04462, (h) *Prevotella* isolates LAB01 Accession number: NM00/12630, and (i) *Prevotella* isolate LAB03 Accession number: NM00/12632, (j) *Bacteroides* isolates LAB07 Accession number: NM00/12636, and (k) *Bacteroides* isolate LAB05 Accession number: NM00/12634, (l) non-dextran slime producing *Streptococcus* isolate LAB04 Accession number: NM00/12633, (m) and non-slime producing lactic acid bacterial isolates LAB02 Accession number: NM00/12631, (n) non-slime producing lactic acid bacterial isolate LAB06 Accession number: NM00/12635, and (o) non-slime producing lactic acid bacterial isolate LAB08 Accession number: NM00/12637.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginny Portner whose telephone number is (571) 272-0862. The examiner can normally be reached on M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vgp
July 19, 2005

L. R. F. Smith
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600